



SENATOR NELSON'S ORIGINAL DESIGN. Uncle Sam—I rather like your new figure, Senator.

WISH FATHER TO THOUGHT

Gossip of Merger Decision Against Minnesota.

STATE COURTS FIRST

Contention That in These a Remedy Can Be Found.

NO FEDERAL QUESTION INVOLVED

Justices' Queries During Arguments Construed in Favor of the Securities Company.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, Jan. 28.—While Attorney General Douglas and M. D. Munn, when they left Washington Monday night, were confident that the supreme court would receive their suit against the Northern Securities company, they are lawyers and others in Washington who believe that the court will refuse. Those who express this opinion are familiar with supreme court practice and have studied the justices and their methods and form conclusions from questions asked attorneys during arguments.

They say that many questions asked both Douglas and Munn relative to the jurisdiction of state courts indicate that permission to file suit will be refused on the ground that the state courts have jurisdiction and that the state should bring suit in those courts before coming to the highest court in the land for relief from the threatened breach of law. Some even go so far as to say that the court will not permit the state to file suit because no federal question is involved and that the regulation of railroads is simply one of police powers delegated to state governments.

Of course no member of the court has intimated what the decision will be, and the question has not even been considered by the justices in consultation; but this gossip is sent to The Journal as an indication of what some people believe will be done. Should the court refuse to accept the bill of complaint and the state begins suit in the state courts, there is no doubt that it will eventually reach the supreme court in some form or another, but this will take many months and perhaps two or three years.

Before Mr. Douglas left Washington he remained in the city for some time and did not permit suit to be brought. It would be because there was a remedy in the state courts. The questions asked by the justices during the arguments suggested to the mind that refusal comes it will be for this reason, but, as was stated Monday, he thinks the court will consent to a suit.

RISING H. G. Rising is to be reinstated as rural free delivery inspector. He has written a letter of appeal in December, and that letter was followed by the endorsement of the solid Minnesota delegation, which asked Machen for reinstatement. Rising will probably be put to work in Minnesota. He is now in Washington looking for reinstatement since the holidays. Being a Grand Army man, he is now in office for life, the over rural free delivery on the day of Rising's dismissal.

MORRIS Representative Morris said today that he would redraft his bill for the disposal of Chippewa timber land and present it to the delegation for approval to-morrow. The changes will conform to an agreement reached yesterday, a forecast of which gave the bill a new name, "The Indian Reservation Bill."

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WIND CAVE Representative Martin is preparing data for presentation to the president with a view to having him issue a proclamation of public land in the Black Hills forest reserve. A temporary reservation of a tract three by six miles has already been made and an agreement reached to set aside a portion of the reserve to be a herd of buffalo and other nearly extinct species of game.

NEW P. O. Representative Tawney will to-morrow introduce a bill providing for the erecting of public buildings in the first congressional district. It provides for an appropriation of \$150,000 to be apportioned by the secretary of the treasury according to the needs of the district. It authorizes the secretary to cause postoffice buildings to be erected at Austin, Albert Lea, Owatonna, Rochester, Lake City and Waseca. One building is to cost more than \$35,000.

WASHINGTON SMALL TALK Representative Martin introduced a bill to confer jurisdiction on district and circuit courts in certain criminal offenses committed on Indian reservations. Postmaster appointed today: Minnesota—Shipman, Becker county; Iowa—Hopp, Des Moines; Nebraska—Richardson, C. E. Smart; North Dakota—Richardson, C. E. Smart; South Dakota—Richardson, C. E. Smart; Wisconsin—Richardson, C. E. Smart.

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LABOR DEMURS

President Gompers Will Fight the Department of Commerce Bill.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, Jan. 28.—Organized labor, as voiced by Samuel Gompers, president of the American Federation of Labor, will exert its influence in the house to defeat the bill passed by the senate creating the department of commerce and labor. Mr. Gompers appeared before the senate committee when the bill was under consideration and protested against the proposal to include the department of labor, now an independent bureau of the government, in the new department and the senators seemingly heeded his protest. The action of the senate in amending the bill just before its passage is regarded by the representatives of organized labor here as an attempt at sharp practice, but they predict that it will fail, as they intend to fight the measure in its present form in the house.

"Organized labor is not satisfied with the action of the senate," declared Mr. Gompers today. "The bill in its present form subordinates the present department of labor far below what it is now. The labor men of this country hope to see a department of labor whose members shall be a member of the president's cabinet and whose office will deal only with the workmen, and his interests. The present bill will place the department of labor under the domination of the politicians. That is just what we want to avoid. We want a department which will be representative of our interests and not one in which the great questions of labor will be mixed up with those of half a dozen conflicting bureaus. It would be far better to leave the department of labor as it is."

Mr. Gompers said he would appear before the house committee and ask to be heard in opposition to the bill.

G.N. MEN ARE UNEASY

Resent the Use of Spotters by Bonding Companies.

ORDERS ARE GETTING TOGETHER

Trainmen Are Showing an Unprecedented Interest in the Telegraphers' Organization.

A short time ago a committee of Great Northern conductors was in St. Paul and had several meetings with the officials of the company. Just what was discussed at these meetings the men do not give out excepting that the raise in the rate of trainmen's pay, recently put into effect, was under consideration but this, it is generally understood, was an advancement made by the company without solicitation by the men.

The men have for some time been very much wrought up over the actions of the company bonding the Great Northern employees has been making itself obnoxious to the men in more ways than one the men are not at all averse to saying.

The bond company's numerous spotters watching the men—many of whom it is claimed make reports without any foundation whatever simply to show reprisals for their own gain—and the treatment of the conductors who have been called in for investigation of reports made against them, have considerably augmented the feeling against this company.

Some of the Great Northern men say they are willing to make affidavit that they have been approached with the proposition that if they would give information in regard to other conductors the matter upon which they were "pinned" would not be pressed. It is not believed that one man has taken advantage of this alternative to save his own position, but those who have been, after investigation, reinstated now keenly feel the implication.

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UNCONSTITUTIONAL

Senator Cullom Attacks Dingley Law in Connection With Reciprocity.

New York Sun Special Service

Washington, Jan. 28.—Mr. Cullom of Illinois, chairman of the committee on foreign relations, addressed the senate today on the constitutionality of that portion of the Dingley act which authorized the negotiation of reciprocity treaties. He said it seemed plain that under this act all treaties negotiated must be made and ratified within two years after the passage of the act. Therefore, if that act is to control it would be useless to ratify the treaties. Senator Cullom continued:

In my opinion, the fourth section of the Dingley act, so far as it attempts to confer, limit or delegate the treaty-making power, is unconstitutional. It is unconstitutional because it comes in conflict with that clause of the constitution which says that the president "shall have power, by and with the advice and consent of the senate, to make treaties."

We do not, therefore, derive our treaty-making powers from a law of congress, and no law of congress can in any way modify or limit those powers. The Dingley act cannot limit the time in which we shall be allowed to make a treaty.

Mr. Cullom contended that precedents all showed that the treaty-making power was conferred solely upon the president and senate. The reciprocity treaties concluded with Hawaii, Mexico and Canada did not go into effect until congress acted, but these treaties contained express provisions that they could not become effective without congressional action. Mr. Cullom concluded:

A treaty made by the executive and ratified by the senate is the supreme law of the land as well as an act of congress. If the congress is not satisfied with the treaty, it has a perfect right to repeal it. Let the consequences be what they may. But until such action is taken the treaty remains a part of the municipal law.

JOURNAL'S PLAN IS COMMENDED

The Suggestion on Passage of Tax Bill Regarded as Sensible and Feasible.

The First Systematic Opposition to the Bill Appears in Form of a Petition.

Friends of tax reform very generally approve the suggestion in yesterday's Journal.

They agree that to pass the bill now, but not to take effect until 1903, will disarm much of the opposition now so rampant, and will make the success of the bill much more probable. Those who are most positive in their stand for the bill as reported agree that if it cannot go through to take immediate effect, The Journal's idea will be a most excellent alternative, and will in fact be the only way of getting a fair vote on the constitutional amendments.

This view of the case is held by two local members of the legislature seen since yesterday's publication. Senator S. A. Stockwell, of the forty-second district, whose single tax proclivities are well known, said:

"I am in favor of passing the tax bill at this session, to take immediate effect. It does not suit me, but it is the best we can get under the present constitution. I do not have much hope of the adoption of those constitutional amendments. It will take 150,000 votes next fall to pass them, and every voter who fails to vote on the proposition votes against them. We will stand a better show of getting such amendments if we put that tax law into effect right away. If we cannot do that, I would support The Journal's suggestion as a last resort."

George W. Armstrong, representative from the forty-fourth district, said:

"It is a question of policy. I have not given the tax code the study that I intend to devote to it before the legislature meets, but from reading it over I am inclined to favor it in nearly its present form. If it is a good bill, I am in favor of passing it to take effect at once. If that cannot be done, I would be inclined to support The Journal's scheme. I think it is imperative that we pass the bill in some shape at this coming session. The most valuable part of the bill is one that would not be changed by the constitutional amendments. I refer to the improvement in the system of real estate taxation and tax sales, a thing that seems to have been lost sight of. This one thing, if passed, will be worth many times the cost of an extra session."

An "Anti" Petition Circulated. The first move in the fight of the grain interests of this city against the tax bill was made this morning. Pressure is to be brought upon the Hennepin county members and an effort made through them to block final action on the tax bill at the coming special session, and to carry it over to the next regular session. A petition addressed to the Hennepin county delegation was circulated on 'change this morning. The petition bears no signs of being a Chamber of Commerce petition, nor is it so understood. None of the officers of the chamber has signed it officially, nor does the name of the chamber appear anywhere on it. It is designed to express the sentiment of the grain trade, individually and collectively. About 150 signatures were received up to noon. The petition reads as follows:

To the Members of the Legislature from Hennepin County—The undersigned agree with the final conclusion of the commission that "the amendment of the tax provision of the constitution should be early effected. In the present form they are an insuperable obstacle to prompt legislation. Until the constitution is amended the undersigned believe it unwise to experiment with a new and confessedly imperfect system of taxation. We also believe that the people should have more time in which to study and understand the proposition. We therefore respectfully request that you use your efforts to postpone action until the next regular session of the legislature."

WHAT THEY SAY Many Business Men and Public Officials Approve. While some well-known men who favor or oppose the tax bill are averse to discussion because of scant information, many were seen today who expressed interest or approval concerning the plan suggested by The Journal, to pass the bill, delay its operation for one year and in the meantime pass the amendments. These men said:

W. D. Hale—I prefer the Potter proposition. I do not approve of first passing the bill and later taking up the constitutional amendments to a vote of the people. It seems to me a simpler method would be to pass the amendments first, which would open the way for the passage of a new tax law along the lines recommended by the commission. It is my belief that this would result in securing a much better tax law. It does not seem to me advisable to lead up with the proposed measure, which might later prove difficult to get rid of.

David C. Bell, County Treasurer—If I rightly understand The Journal's suggestion of a method of dealing with the proposed tax code, it is in substance this: That the legislature in its extra session pass the code practically as submitted, but not to become operative until 1903, giving the people meantime opportunity to adopt at the next general election certain constitutional amendments that will enable the tax commission to frame a more just and equitable bill. Instead of seeing some features of the bill as reported put in effect will, I think, be a spur to pass the necessary amendments. With this view of the law, I think favorably of The Journal's recommendation.

A. W. Skog, Deputy Register of Deeds—From what I have gathered by reading the report of the tax commission, it seems to me that the questions involved are of such vital interest to us all and the time so short in which to consider all sides and interests, that in my opinion the best thing to do would be to pass the bill in its entirety at the special session of the legislature. After that, the matter of adjustment can be taken up, and if any wrong or inequitable bill has been done to any interests it can be righted at the regular session. The bill is a comprehensive one and has many good points and should receive the careful consideration of our representatives. The session will be too short to try to take from or add to the bill, and if an attempt should be made in this direction, we are afraid nothing good or equitable could be accomplished. I favor the bill as a whole with the recommendations as above.

Wirt Wilson, Assistant County Attorney—The proposed tax law is an excellent one, and The Journal's suggestion regarding its passage will doubtless meet with approval. I haven't much faith, however, in the adoption of the constitutional amendments. It requires too big a vote, and not enough people are likely to become interested enough in them to insure their passage. Hugh B. Stobbs, Assistant Secretary of State—The Journal's suggestion regarding its passage will doubtless meet with approval. I haven't much faith, however, in the adoption of the constitutional amendments. It requires too big a vote, and not enough people are likely to become interested enough in them to insure their passage.

George W. Cooley, County Surveyor—From what I have heard, the new tax law is not wholly satisfactory. Personally I do not think a great deal about the new tax law. I fail to see where it is an great improvement on the present law—that is, on material points. Organized labor will oppose the passage of the law and will send a delegation to the legislature to lobby against it. The particular feature to which exception is made is the reduction of the limit of exemption.

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MONSTER COMBINE OF COAL DEALERS

All Northwestern Coal Interests Are to Be Consolidated Under One Management.

The Merger Affects Hard and Soft Coal Alike—Little Dealers Wiped Out.

A consolidation which will reduce all Minneapolis buyers of coal to the necessity of going to one office for their fuel is practically assured.

The same plan is to be applied in St. Paul and inasmuch as the coal companies represented in the twin city market control the entire northwestern fuel situation, the effects of the newest merger will be far-reaching.

It contemplates absolute control of anthracite and bituminous coal. Some selling companies with direct mining connections have been and will be bought. Other retail dealers who have hitherto bought their coal from the big wholesale dealers will simply be wiped off the face of the earth.

The combination naturally originates with the big companies owning coal docks at Duluth. Already the control of the anthracite and of the bituminous trade had been acquired by the trusts dominating the two branches of the trade when the proposition was made to combine these two and place all coal trade under one management. This has fully been decided upon, in fact, the auditing and acquisition of companies to be absorbed is already under way. Numerous conferences have been held, both here and in the east, the executive heads generally selected and the general outlines of the big machine well outlined. The arrangement of the smaller details has been left to the officers stationed in the field. It is expected to make the plan operative May 1.

C. E. Wales, president of the Pioneer Fuel company, will be general northwestern manager of the consolidation. It is believed that the combination of coal interests is general and that trade in other large districts will be handled from convenient centers as will be done in the northwest.

Began in August. In August the details of the invasion of the northwest by the Pittsburg Coal company, or the soft coal "trust," were published in The Journal. In April a new man came into the employ of the Pioneer Fuel company. He came from the east and suddenly sprang from a humble position to that of secretary and treasurer. It was believed at the time that he represented the soft coal trust in Minneapolis.

At that time it was reported that the Pioneer Fuel company, owning large dockage privileges at the head of the lakes had gone into the soft coal combine as well as the Youghiogheny and Lehigh company. It is understood that the Ohio Coal company has also been absorbed by

the Pittsburg, making four representative companies in Minneapolis. Some six weeks ago report was made of the absorption of two Minneapolis companies by the Fairmont Coal company of West Virginia. They are said to be the Lehigh Coal Coke company and the Northwestern Fuel company.

Aside from the companies in the soft coal trust which are compelled to buy their hard coal from the anthracite combine, the primary handlers of the anthracite product in Minneapolis are the Philadelphia & Reading and the Lehigh Valley coal companies.

The merged companies all have docks at the head of the lakes. Without these they could expect to compete in the local market. During the summer heavily laden vessels contribute their loads to the stock piles and from there the fuel is transported to the twin cities by railroads. By absorbing the small companies the large organization will have the control of the lake dockage.

When completed, the deal will mean that the control of the coal business will be in the hands of the corporation as a whole. At the mercy of the corporation as to prices. The buyer of steam coal for manufacturing purposes and the private purchaser of fuel for grates or furnaces will be in the same boat. Both must buy of the one company. No competition will lower or regulate prices. Demand and supply would to a certain extent cut no figure.

LAST STAND OF SCHLEY

Text of the Admiral's Appeal to the President.

A PLEA FOR JUSTICE

Unfairness of the Court's Majority Opinion Demonstrated.

DEWEY'S VIEW THE RIGHT ONE

Every Point in the Protracted Controversy Emphasized With New Arguments.

Washington, Jan. 28.—The navy department has made public Admiral Schley's appeal, delivered to the president about one week ago. The department's "comment" will be published in a day or two. Admiral Schley appeals to the president as the chief executive and commander-in-chief of the army and navy, "vested with power to regulate and direct the acts of the several executive officers thereof," and he asks that the president review the findings of the court. He asks this on three grounds, in each case basing his appeal on the findings of Admiral Dewey, as opposed to the majority report. These three grounds are set out comprehensively in the "petition," which fills eight printed pages of a pamphlet and is signed by Admiral Schley, and by Messrs. Rayner, Parker and Teague of his counsel. Attached to the petition are three exhibits, "A," "B" and "C," each made up of copious extracts from the testimony taken by the court of inquiry and intended to confirm the statements of fact made in the petition itself.

First Ground of Appeal. In this latter document the first ground of appeal is the holding of Secretary Long in his indorsement on the court's findings that "the conduct of the court in making no finding and rendering no opinion on those questions (that of command and of credit for the victory) is approved—indeed, it could, with propriety, take no other course, evidence on these questions during the inquiry having been excluded by the court." On this point the petitioner says that the secretary of the navy was in error in stating that the court excluded testimony to show that, as Dewey said, Schley was the senior officer in the battle of Santiago; was in absolute command; and entitled to the credit due for the glorious victory which resulted in the total destruction of the Spanish ships. On this point the petitioner says:

And your petitioner, "the applicant" before said court of inquiry, now files with this petition an argument, together with a resume of the testimony taken during the inquiry, in so far as it relates to the question as to who was in command at the battle of Santiago, in support of the plea that the presiding member of the said court acted within his authority and jurisdiction in reporting his opinion, as a negative fact, forth, and that the majority members of the said court failed in the discharge of a most important duty devolving upon them under the precept, in that they did not present their opinion upon the said question; that it was incumbent upon said majority members to consider and determine the said question; for the reason that only by so doing could they determine the propriety of the conduct of the said Schley in said battle since, it being a fact that he did assume command of the American forces therein engaged, his action would, in the absence of the right and duty so to do, have been highly censurable, and upon the questions of such right and duty and the propriety of his conduct in the premises, the said Schley was entitled, under the precept, to a finding and an opinion from the majority members as well as from the minority members of the said court; and your petitioner respectfully requests that the said argument and resume of testimony be considered as a part of his petition and as the basis for his prayer for relief in the premises.

Therefore the petitioner asks the president to grant him the relief he prays for in the premises.

Continued on Third Page.

PIANO FELL UPON HIM Skull of James Smith of Mason City Crushed. Special to The Journal. Mason City, Iowa, Jan. 28.—A piano fell on the head of James Smith, a well known drayman, at noon today, crushing his skull and causing death.